

MP0062

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. _____

Application No.: 09/659,693

Filing Date: September 11, 2000

Appellant: Sehat Sutardja

Conf. No.:

Art Unit: 2614

Examiner: Andrew C. Flanders

Title: METHOD AND APPARATUS FOR RECORDING
AND REPRODUCING DIGITAL DATA

Attorney Docket: MP0062

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P.O. Box 1450
Alexandria, VA 22313-1450

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REPLY BRIEF

Pursuant to 37 CFR § 41.41, this reply brief is submitted in response to the Examiner's Answer mailed December 2, 2010 and supplements the Appeal Brief filed September 16, 2010.

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I. STATUS OF THE CLAIMS

Claims 173-190 are pending and stand rejected.

Claims 1-172 are cancelled.

Appellant appeals the rejection of claims 173-190.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks the Board's review of:

- (a) whether claims 173-175, 178, 182-184 and 187 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,332,175 ("Birrell") in view of U.S. Patent No. 6,233,393 ("Yanagihara");
- (b) whether claims 179-181 and 188-190 are unpatentable under 35 U.S.C. § 103(a) over Birrell in view of Yanagihara and in further view of U.S. Patent No. 5,903,871 ("Terui");
- (c) whether claims 173, 174, 182 and 183 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 7,444,439 ("Du") in view of Yanagihara; and
- (d) whether claims 175-177 and 184-186 are unpatentable under 35 U.S.C. § 103(a) over Du in view of Yanagihara and in further view of U.S. Patent No. 6,502,194 ("Berman").

III. ARGUMENTS

The Examiner argues that “there were numerous known compression standards at the time the present application was submitted,” and therefore “it would not make sense to one in the art to create a device that would only be able to reproduce one of these standards.” (See Pages 18-19 of the Examiner’s Answer). Appellant asserts that numerous compression standards merely being “known” has no bearing on whether it would be obvious to one skilled in the art to implement Appellant’s own claimed limitations of i) a storage device to store a plurality of processes and ii) retrieving a selected one of the processes.

Instead, the Examiner appears to rely on the mistaken conclusion that because “it would not make sense to one in the art to create a device that would only be able to reproduce one of these standards,” then Appellant’s claimed limitation would be obvious. In other words, the Examiner appears to allege that because a certain shortcoming was known, then Appellant’s own solution would be the obvious one. The Examiner makes this allegation despite the fact that both of the relied upon secondary references show entirely different implementations than Appellant’s limitations regarding the storage device to store a plurality of processes and retrieving a selected one of the processes.

More specifically, Abecassis merely discloses that the audio itself, received at a media player from an external device such as a digital camera, already includes the required decompression software. Abecassis does not select one of the plurality of processes, stored on the storage device, based on a determined compression format.

Similarly, Yanagihara discloses receiving control data, along with the compressed media data, from an external device, Yanagihara does not select one of the plurality of processes, stored on the storage device, based on a determined compression format.

Accordingly, both secondary references provided by the Examiner to illustrate the “obvious” limitation of Appellant’s claims operate in an entirely different manner to overcome the Examiner’s alleged obvious problem of “only being able to reproduce one of these standards.”

CONCLUSION

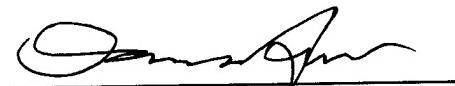
Appellant respectfully requests the Board to reverse the Examiner's rejection of the claims on appeal.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By:



Damian M. Aquino
Reg. No. 54,964

Please address all correspondence to:

Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive
Suite 200
Troy, MI 48098
Customer No. 26703
Tel. No. (248) 641-1600
Fax. No. (248) 641-0270

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